

03-40253  
11/10/04  
Gautier 3.

# MANDATE

## United States Court of Appeals For the First Circuit

No. 04-2239

DEUTSCHE BANK NATIONAL TRUST COMPANY, as Custodian or Trustee,  
f/k/a Bankers Trust Company of California, N.A.  
Plaintiff-Appellee

v.

ROSE CASTRO; JOSH CASTRO; JOSEPH DIMARE; ALL OTHER OCCUPANTS  
Defendants-Appellants

### JUDGMENT

**Entered: October 20, 2004**

By order entered September 29, 2004, appellants were directed to show cause in writing as to why this appeal should not be dismissed for lack of jurisdiction. Appellants were warned that failure to respond by October 13, 2004 would lead to dismissal for lack of diligent prosecution.

Appellants having failed to file a timely response, it is hereby ordered that the above-captioned appeal be dismissed in accordance with Local Rule 3(b).

Certified and Issued as Mandate  
under Fed. R. App. P. 41.

Richard Cushing Donovan, Clerk

*Betty McQueen*  
Deputy Clerk

Date: NOV 10 2004

By the Court:  
Richard Cushing Donovan, Clerk

By: \_\_\_\_\_  
Operations Manager

[cc: Messrs. Gaucher, Manougian and Ms. Turina ]